IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6919 OF 2005

Chalkoba Vividh Karyakari Sahakari
(Vikas) Seva Sanstha Ltd. & Anr. : Petitioners

V/s.

Proposed Shri Harhar Mahadev Vividh
Karyakari Sahakari (Vikas) Seva Sanstha
Ltd. & Ors. : Respondents

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Mr.P.D. Dalvi for the petitioners.

Mr.Amit Borkar for the respondent no.1.

Mr.D.A.Patil, Asstt. Govt. Pleader for the respondent nos.2 to 5.

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CORAM : S.A. BOBDE, J.

October 11, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Borkar for the respondent no.1 and Mr.Patil,the learned Asstt. Govt. Pleader for the respondent nos.2 to 5, appear and waive service of rule.

Heard by consent.

2. The petitioners are aggrieved by the order granting registration to the respondent no.1 co-operative society. The only point urged on behalf of the petitioners is that the learned Minister who decided the revision has incorrectly stated in the last para of the impugned order as follows:-

> "It is also a matter of record that the existing societies have given no objection certificates for the registration of the Applicant society."

The petitioners have made a statement on oath in para 12 of the petition as follows:-

> "The Petitioners respectfully state and submit that the Societies have not issued any No Objection Certificate whatsoever in favour of Respondent No.1 nor any Agenda was placed before the Managing Committee to issue such No Objection, nor any such subject under consideration before the Managing Committee at any point of time. The Petitioners submit that there is no any resolution whatsoever passed by the

Managing Committee in its meeting at any point of time."

3. In this view of the matter, the only course open to the petitioners is to approach the learned Minister to point out the said discrepancy, if any. There is no dispute that the existing societies are required to be heard under Government Resolution dated 7.2.2001. Hence, the above aspect assumes importance. In the circumstances, without touching on the merits of the impugned order, it would be appropriate in the interest of justice to set aside the impugned order. The said order is hereby set aside. The learned Minister may consider the petitioners' application and decide the revision afresh, in accordance with law. The said decision shall be taken on merits without being inflected by any observations made in this order. The learned Minister is requested to decide the revision as expeditiously as possible and, in any case, not later than six weeks from the date the parties appear before him. The parties are directed to appear before the learned Minister on 17.10.2005.

4. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.